

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday, January 13, 2015

PRESENT: Supervisors Bruce S. Gibson, Adam Hill, Lynn Compton, Debbie Arnold and
Chairperson Frank R. Mecham

ABSENT: None

RESOLUTION NO. 2015-9

**RESOLUTION OF INTENTION TO SURPLUS AND SELL
COUNTY-OWNED REAL PROPERTY
IN THE UNINCORPORATED AREA OF CAMBRIA**

The following resolution is hereby offered and read:

WHEREAS, the County of San Luis Obispo (the "County") currently owns real property at 900 Main Street ("Main Street Property") totaling approximately 9,888 square feet of land zoned Commercial Retail in the unincorporated area of Cambria, CA, Assessor's Parcel Number 022-251-019; and

WHEREAS, the Main Street Property includes an existing commercial building totaling approximately 2,331 square feet and 0.58 water Equivalent Dwelling Units (EDUs) to serve the property; and

WHEREAS, the Main Street Property was acquired by the County on July 7, 1978 for the purpose of designing and constructing a library building; and

WHEREAS, on November 3, 2009, the County purchased another property, located at 1043 Main Street ("McKinney Property") in the unincorporated area of Cambria, CA, which was improved with a building to serve as a new library; and

WHEREAS, the new Cambria Library was opened at the McKinney Property on December 26, 2013; and

WHEREAS, the Main Street Property is no longer necessary for County use; and

WHEREAS, the County and the Friends of the Cambria Library ("Friends") entered into a Memorandum of Understanding, effective September 1, 2009 ("2009 MOU"), which was replaced by a new Memorandum of Understanding dated December 13, 2011 ("2011 MOU"), which was then terminated and replaced by a Second Memorandum of Understanding dated November 4, 2014 ("Second MOU"); and

WHEREAS, the Second MOU requires the sale of the Main Street Property, with payment by the County of 50% of the net proceeds, less associated sales costs, to the Friends; and

WHEREAS, the County has given notices to other government agencies of the availability of the Main Street property pursuant to Government Code Section 54220 et. seq., and no agencies expressed an

interest in the property; and

WHEREAS, Government Code Section 25526 provides that County-owned real property may be sold in accordance with the provisions of said code section after the adoption of a resolution by two-thirds vote of the members of the Board of Supervisors declaring the Board's intention to surplus and sell said property; and

WHEREAS, Government Code Section 25527 provides that the Board may authorize the payment of a real estate commission to a real estate broker who is instrumental in obtaining a proposal; and

WHEREAS, the County of San Luis Obispo Department of Planning and Building on October 17, 2013 determined that the County's disposition of the Main Street Property is in conformity with the County's General Plan and said determination was filed on October 24, 2013; and

WHEREAS, the County of San Luis Obispo Department of Planning and Building issued a Categorical Exemption citing Section 15312 (a)(b)(2) that the disposition of the Main Street Property will not result in any significant environmental impacts, and said determination was filed on October 25, 2013 and certified as Environmental Determination 13-084; and

WHEREAS, the County Board of Supervisors on May 6, 2014 approved the processing of a Land Use Element / Local Coastal Plan Amendment LRP2013-00015, to change the land use category of the Main Street Property from Public Facilities to Commercial Retail; and

WHEREAS, the County of San Luis Obispo Planning Commission on August 28, 2014 Land Use Element / Local Coastal Plan Amendment LRP2013-00015, to change the land use category of the Main Street Property from Public Facilities to Commercial Retail; and

WHEREAS, the California Coastal Commission on December 11, 2014 approved Local Coastal Plan Amendment LCP-3-SLO-14-0839-3 to re-designate the Main Street Property from Public Facilities to Commercial Retail zoning; and

WHEREAS, based on review of recent comparable sales and an appraisal of the property, the General Services Department recommends a minimum bid price of \$540,000 for the Main Street Property; and

WHEREAS, it is in the public interest to surplus and sell the Main Street Property.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California as follows:

1. Pursuant to Government Code Section 25526 the Board finds the Main Street Property and all interests to be deeded are not required for County use and declares its intent to surplus and sell the properties to the highest qualified bidder, at a minimum bid of Five Hundred Forty Dollars (\$540,000).
2. This Board hereby sets Tuesday, April 21, 2015 at 1:30 PM, or as soon as possible

thereafter, in the chamber of the County Board of Supervisors, New County Government Center, 1055 Monterey Street, San Luis Obispo as the time and place to act on the surplus and sale of the aforementioned real property. Written sealed bids on the County's bid form must be submitted on or before Monday, April 20, 2015 at 5:00 PM to the County of San Luis Obispo, General Services Department, 1087 Santa Rosa Street, San Luis Obispo, CA 93408, ATTN: Real Property Manager.

3. In addition to the above, said sale shall be upon all of the following terms and conditions:
 - a. The minimum acceptable bid price for the Main Street Property shall be no less than \$540,000 and shall be payable in cash through escrow.
 - b. A nonrefundable deposit of \$10,000 payable by cashier's check to the County of San Luis Obispo shall be required with the bid.
 - c. Escrow shall close within 45 days following bid acceptance by the County Board of Supervisors.
 - d. The Main Street Property will be sold in as-is condition, with no repairs or reports provided by the County except a preliminary title report.
 - e. Included with the property will be an easement of approximately five (5) feet in width over the adjacent parcel and along the southeasterly property line to accommodate the encroachment of the building eaves and to provide surface access to the property.
 - e. No conditions of sale will be accepted, including financing conditions.
 - f. Upon successful close of escrow, a real estate sales commission of three percent (3%) of the selling price, or an amount as otherwise determined by California Government Code Section 25531 and 25532, shall be payable from the proceeds of sale to a selling licensed real estate broker who is instrumental in obtaining the offer to purchase the Main Street Property, provided that the name of the broker and commission is identified at the time of the bid.
 - g. County and purchaser shall pay their own customary closing costs for San Luis Obispo County.
 - h. Title to the Main Street Property shall be transferred in the form of a grant deed.
4. The Clerk of this Board is directed to give notice of this Board's intention to surplus and sell this real property pursuant to Government Code Section 25526, with the resolution to be posted by the Clerk pursuant to Government Code Section 25528, and the attached Notice of Intention to Sell to be published by the Clerk pursuant to Government Code Section 6063 in a newspaper of general circulation published in the County.

5. The net proceeds from this sale of the Main Street Property shall be applied toward the purchase and improvement of the McKinney Property in accordance with the Second Memorandum of Understanding between the Friends of the Cambria Library and the County of San Luis Obispo dated November 4, 2014, or as future amended.
6. The County Real Property Manager is hereby authorized to perform all acts required to prepare the Main Street Property for sale, including but not limited to, applying for a rezone, and to sign any related documents.

Upon motion of Supervisor Hill, seconded by Supervisor Gibson, and on the following roll call vote, to-wit:

AYES: Supervisors Hill, Gibson, Compton, Arnold and Chairperson Mecham

NOES: None

ABSENT: None

ABSTAINING: None

The foregoing resolution is hereby adopted:

Frank R. Mecham
Chairperson of the Board of Supervisors

ATTEST:

TOMMY GONG
Clerk of the Board of Supervisors

BY: /s/Sandy Currens
Deputy Clerk

APPROVED AS TO FORM AND LEGAL EFFECT
Rita L. Neal,
County Counsel

BY: /s/Shannon G. Matuszewicz
Deputy County Counsel

DATE: December 9, 2014

STATE OF CALIFORNIA) ss.
COUNTY OF SAN LUIS OBISPO)

I, **TOMMY GONG**, County Clerk of the above entitled County, and Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.

Witness, my hand and seal of said Board of Supervisors on January 29, 2015.

TOMMY GONG,
County Clerk and Ex-Officio Clerk of the Board of
Supervisors

By: Sandy Currens
Deputy Clerk

**NOTICE OF INTENTION TO SURPLUS AND SELL
COUNTY-OWNED REAL PROPERTY IN THE
UNINCORPORATED AREA OF CAMBRIA**

Notice is hereby given, pursuant to California Government Code section 6063 that the County of San Luis Obispo intends to sell real property at 900 Main Street in the unincorporated area of Cambria, totaling approximately 9,888 square feet of land zoned Commercial Retail, Assessor's Parcel Number 022-251-019, to the highest bidder. The property will be sold as-is and will include an existing commercial building totaling approximately 2,331 square feet and 0.58 water Equivalent Dwelling Units (EDUs) to serve the property.

Bids must be submitted on the County's bid form. A bid form and a description of the parcel are available in the office of the County General Services Department, 1087 Santa Rosa Street, San Luis Obispo, CA 93408. **The minimum bid price is set at \$540,000.** All sealed bid forms are due to the General Services Department located at the above-referenced address on or before Monday, April 20, 2015 at 5:00 PM. The County Board of Supervisors intends to conduct an auction of said real property at a regular meeting of said Board occurring in the Board Chambers, New County Government Center, 1055 Monterey Street, San Luis Obispo, at 1:30 PM, or as soon as possible thereafter, on Tuesday, April 21, 2015. The sealed bid forms will be presented at the Board of Supervisors meeting and oral bids will be called for before the final acceptance of any proposal.

For information or to obtain a bid form, please call County Real Property Services at 805-781-5206 or fax to (805) 781-1364 or e-mail to lvanfleet@co.slo.ca.us or to sdragomir@co.slo.ca.us.

DATE: _____

TOMMY GONG, County Clerk-Recorder
and Ex-Officio Clerk of the Board of Supervisors

By: _____,
Deputy Clerk-Recorder